

**BROKEN ARROW CITY COUNCIL MEETING MINUTES
JULY 15, 2002**

1. The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Monday, July 15, 2002, at 7:30 P.M. Mayor James C. Reynolds called the meeting to order.

Present: Mayor James C. Reynolds
Vice-Mayor Tony Petrik
Councilman Richard Carter
Councilman Craig Thurmond
Councilman Wade McCaleb

Staff Present: Michael D. Kadlecik, City Manager
Justin Cook, Director of Engineering
Farhad Daroga, City Planner
Scott Esmond, Parks & Recreation Director
Jay Heinrichs, Controller
Carolyn Kusler, Police Chief
Ron Osborn, Fire Chief
Brenda Ray, Administrative Services Director/City Clerk
Allen Stanton, Chief Building Inspector
Michael Vanderburg, City Attorney
Dave Wooden, Public Works Director

3. Mayor Reynolds recognized members of Boy Scout Troop 909 who led the Council and audience in the pledge of allegiance.

4. The Council considered the regular Council meeting minutes of July 1, 2002.

Motion by Petrik, second by Carter to approve the minutes of July 1, 2002.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

5.A. The Council considered the Presentation of "Employee of the Quarter" for the period July through September, 2002. Mayor Reynolds provided introductory remarks on the Employee of the Quarter program and presented a certificate to Johnny Rutledge, firefighter.

5.B. The Council considered the Public hearing and possible approval of Local Law Enforcement Block Grant (2002-LB-BX-0084) in the amount of \$27,239.00, authorizing a cash match of \$3,027.00 from Police Enhancement Funds, and specifying use of the grant and matching funds. City Manager Michael Kadlecik presented the planned use of the Local Law enforcement Block Grant funds. There were no comments from the audience. Mayor Reynolds closed the hearing.

Motion by Petrik, second by Carter to authorize the Police Department to utilize the funds from the Local Law Enforcement Block grant for the following:

1. Technological upgrades including a new power point projector for training and presentations, three digital cameras for evidence collection and documentation, and Personal Digital Assistants to enable the Command Staff to digitally communicate with the Police Department when away from the station.
2. Crime Prevention Aids including a new “McGruff” costume and a robot.
3. Training of Police Management at the Senior Management Institute for Police sponsored by the Police Executive Research Forum (PERF).
4. Fund overtime for the Bicycle Patrol Unit.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

5.C. The Council considered the Public hearing to abate public nuisances. Mayor Reynolds noted there is a revised list. Patrick Law, 1933 S. Main, stated he has taken several actions to improve his property including mowing the property. Vice-Mayor Petrik informed him the lot has been removed from the list of nuisances on tonight’s agenda.

Motion by Petrik, second by Carter to declare the lots a public nuisance and authorize the lots to be abated at costs to the property owners of \$225.00 per hour and if the costs are not paid, to authorize the City Clerk to certify the costs as a lien against the property.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

7.A. The Council considered the Conditional Final Plat (PT02-105) (DN02-115) Western Sun Federal Credit Union, 3.31 acres, 1 lot, C-3, northeast corner of Kenosha Street and Desert Palm Avenue. City Planner Farhad Daroga presented the item. In response to Vice-Mayor Petrik, Mr. Daroga stated the main drive will be on Desert Palm with a second access on the southeast side of the property. Vice-Mayor Petrik inquired if there will be an upgrade to Desert Palm. Mr. Daroga stated that nothing is planned at this time. The applicant was present and agreed with the conditions.

Motion by Petrik, second by Carter to approve the conditional final plat for Western Sun Federal Credit Union as recommended by the Planning Commission and Staff.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

7.B. The Council considered PUD 132 and BAZ 1569, (DN02-160), a mini-storage project, 10.0 acres, R-1 to C-5, southwest corner of Lynn lane and Albany Street. City Planner Farhad Daroga

presented the item. Tim Terrell, Tulsa Engineering and Planning, stated the comprehensive plan change was approved May 6, 2002 and they have met all conditions with the exception of the 20% maximum coverage, which is being exceeded due to the burden of gas pipelines on the property. Mr. Terrell stated they pursued a planned unit development because of the need for an exception to allow the higher coverage. Councilman Carter stated he appreciated their compliance with 50' setbacks and believes this proposal is deserving of additional consideration. In response to Vice-Mayor Petrik, Mr. Daroga stated the pipeline easements could be used as paved parking areas or drives of mini-storage per specific standards set by the pipeline company. Vice-Mayor Petrik observed the north commercial lot will be hard to market with the additional intrusion. There were no protestants.

Motion by Carter, second by Thurmond to waive Ordinance No. 2335 on this project only, due to the physical constraints and restrictions on this site.

Aye: McCaleb, Thurmond, Carter

Nay: Petrik, Reynolds

Motion carried.

Motion by Thurmond, second by Carter to approve PUD 132 and BAZ 1569 per staff recommendation.

Aye: McCaleb, Thurmond, Carter

Nay: Petrik, Reynolds

Motion carried.

8.A. The Council considered action regarding award of bids in connection with the sale of bonds. Rick Smith, Municipal Finance Services, was present to offer the bids received today at 3:00 PM. He cited the five bids that were received from BOSC, Inc., UMB Bank, UBS Paine Webber, Country Club & Spirit Bank and James Baker with Arkansas Valley State Bank. Mr. Smith stated that due to the volatility of the stock market and the upgrade in rating by Moody's, three of the bids came in under 4%. Mr. Smith recommended the bid be awarded to BOSC, Inc.

Motion by Petrik, second by Carter to award the bid to BOSC, Inc. with its interest rate of 3.897938%.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

Mr. Smith stated the \$4 million in funds should be available by August 27, 2002.

8.B. The Council considered authorization for the Mayor to execute Ordinance No. 2473, providing for the issuance of \$4,075,000 principal amount of General Obligation Bonds, Series 2002 of the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing the form of bonds; providing for registration of the bonds; providing for the levy of an annual tax for the payment of principal and interest on the bonds; authorizing the

Mayor to execute appropriate documents in connection therewith; designating the bonds for purposes of certain provisions of the Internal Revenue Code; approving the form of continuing disclosure agreement; fixing other details of the issue and declaring an emergency. Don Kiser, bond counsel, stated this is the third series of bonds issued out of the 2000 bond issue. Mr. Kiser stated the ordinance includes designation of the bonds as bank-qualified. Mr. Kiser noted there are approximately \$7.7 million remaining in bonds to be sold from the 2000 bond issue.

Motion by Petrik, second by Carter to approve Ordinance No. 2473.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

Motion by Petrik, second by Carter to approve the Emergency Clause of Ordinance No. 2473.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

6. Under Citizen's Opportunity to Address the Council, no one was present.

8.C. The Council considered bids received and awarding of the most advantageous bid for the purchase of truck washing equipment for the Public Works facility. City Manager Michael Kadlecik presented the item. Councilman Thurmond inquired about the need for a water softener. Public Works Director Dave Wooden stated that question was asked of the vendor and they indicated it was not needed.

Motion by Petrik, second by Thurmond to approve the purchase of \$62,454.24 worth of Truck Wash equipment from InterClean Equipment Incorporated.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

8.D. The Council considered bids received and awarding of the most advantageous bid for Jackson Park Pond excavation. City Manager Michael Kadlecik presented the item. Councilman Carter inquired about the depth of the pond. Director of Engineering Justin Cook stated the pond will be 6'-7' deep to support aquatic life. Mr. Cook stated waste materials from the pond will be used on the berm and outside the parking lot and noted there will be a 1' to 12' slope at the edges of the pond for safety reasons. He also stated with the natural grade differences in the area of the amphitheater additional fill will be needed.

Motion by Petrik, second by Thurmond to award the construction for the excavation of the pond area at Jackson Park to WESCON in the amount of \$15,300.00.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None
Motion carried.

8.E. The Council considered bids received and awarding of the most advantageous bid for Jackson Park restroom construction. City Manager Michael Kadlecik presented the item.

Motion by Petrik, second by Carter to award the construction contract for the construction of one restroom at Jackson Park to Yocum Enterprises in the amount of \$61,400.00.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

8.F. The Council considered possible acceptance of Storm Water System Management Modifications Report. City Manager Michael Kadlecik introduced the item. Director of Engineering Justin Cook provided details of the report and recommended modifying the ordinance to reduce the fee by 5% to non-residential properties that have built or contributed funds in lieu of building on site detention, reduce the fee by 5% for non-residential properties that maintain or contribute to maintenance of private detention and to set up a tiered billing structure that reduces the additional ESU's rate by \$.30 per ESU or 10%. He noted that gravel is considered impervious area as a general rule and will be treated as such unless the homeowner requests additional consideration. He further noted if grass is growing through the gravel, it is usually considered pervious. Mr. Cook stated fee reductions should not affect the City's ability to meet Phase II requirements. Councilman Carter noted the City's fees will be about 20% less than Tulsa and he believes this is a fair method of calculating the fees. Councilman McCaleb stated he would like more consideration given to small businesses. Mr. Cook stated a majority of the City's customers are in the less than 10 ESU's category. Councilman McCaleb inquired if anything is being done for senior citizens. Mr. Cook replied no. There were no comments from the audience. Mayor Reynolds stated the rates are more acceptable now for non-residential customers.

Motion by Petrik, second by Carter to authorize staff to prepare a modification to Ordinance No. 2443, allowing the three recommended stormwater service charge modifications.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

Councilman McCaleb amended the motion that businesses with 3 ESU's or less be charged the single ESU rate. Vice-Mayor Petrik stated he would prefer that this action be deferred until the number of monitoring points is known. Councilman Thurmond stated he would like to look at McCaleb's suggestion after the effect on revenues has been figured.

The amendment did not receive a second.

Motion by McCaleb, second by Petrik to direct staff to look at the revenue effect of changing businesses with less than 4 ESU's to the single ESU rate.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

9. Under City Manager's Report nothing was submitted.

10. The Council considered the Ordinances for preview.

- A. An ordinance annexing certain contiguous tracts of land in Sections 4, 5 and 6, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, Oklahoma, to the city limits of the City of Broken Arrow, Oklahoma, granting a zoning classification, adopting a service plan, and declaring an emergency. This land is generally from County Line Road to one-half mile past Evans Road between Albany Street and Kenosha Street.
- B. An ordinance closing a Waterline Easement filed in the Tulsa County Clerk's Office in Book 2452 Page 0243, and dedicated to the City of Broken Arrow, located in SE/4 of Section 2, Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded plat thereof, providing for reservation of rights within the closed easement, and declaring an emergency.
- C. An ordinance closing a Waterline Easement filed in the Tulsa County Clerk's Office in Book 5704 Page 1345, and dedicated to the City of Broken Arrow, located in N/2 of the SE/4 of the NE/4 of Section 9, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded plat thereof, providing for reservation of rights within the closed easement, and declaring an emergency.

City Attorney Michael Vanderburg presented the preview ordinances. Regarding preview ordinance 'A', Earl Laney stated he has a farm of 28 acres that would be affected by annexation relative to his raising chickens, horses, etc. Mr. Laney registered in opposition to annexation. Lloyd Christiansen, resident of Timberbrook addition, asked for details of the service plan. Mr. Vanderburg stated Timberbrook is not being annexed under this proposal. Jack Helscel stated nothing has been said about the strip pits that still remain and he is protesting on the same basis as Mr. Laney as it relates to farm animals. Faye Higginbotham, resident of Hillview Acres, stated the disadvantages to annexation outweigh the advantages and she hasn't seen any pluses from other additions which have been annexed. Ms. Higginbotham stated the City could not tell them when they could get sewer or at what cost and she would be willing to pay a stormwater fee and remain outside the City. Margaret Teeple asked for additional time to remain outside the City limits and was told the property tax increase will be about 11% and property taxes will not be changed until December 2003. James Helscel stated he owns and maintains several acres of property and asked when the property taxes will be due. Vice-Mayor Petrik stated they will be due in December of 2003. Vice-Mayor Petrik stated the City has been working on the stormwater program for about

two years. He noted the rules will go into effect in March 2003. Mr. Helscel stated he is satisfied with public safety responses now and is concerned they will decline with annexation. Mr. Helscel stated there is a landfill and a spring fed coal pit and inquired how the City will deal with contaminants left from those two activities. Vice-Mayor Petrik stated they will likely have to be addressed. In response to Councilman McCaleb, Mr. Vanderburg stated farm animals are permitted inside the City limits and fall under City codes that require safe and sanitary living conditions.

Motion by Petrik, second by Carter to advance these ordinances for possible adoption at the August 5, 2002 meeting.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

11. The Council considered the Ordinances and Resolutions for adoption.

A. Ordinance No. 2463 – An ordinance closing a utility easement dedicated to the public, located in the Northwest Corner of the Northwest Quarter of Section 3, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded plat thereof, providing for reservation of rights within the closed easement, and declaring an emergency.

B. Ordinance No. 2472 - An ordinance amending the Broken Arrow Code by amending Section 10-3, changing the wording from Class “A” Fireworks to Consumer Fireworks and Department of Transportation to Consumer Product Safety Commission; repealing all ordinances to the contrary; and declaring an emergency.

Motion by Petrik, second by Carter to adopt Ordinance Nos. 2463 and 2472.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

Motion by Carter, second by Thurmond to approve the Emergency Clauses on Ordinance Nos. 2463 and 2472.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

12. The Council considered the Consent Agenda.

A. Approval of payroll for July 19, 2002

B. Approval of, ratification, and authorization for the Mayor to execute a proclamation declaring July 23-26, 2002: “Green Country Chess Camp Week” in Broken Arrow

- C. Approval of and authorization for the Mayor to execute a Youth Counseling Agreement between the City and Youth Services of Tulsa, for the term July 1, 2002 through June 30, 2003
- D. Approval of and authorization for the Mayor to execute Budget Amendment #2 for Fiscal Year 2001-2002
- E. Approval of and authorization for the Mayor to execute an Interlocal Agreement between the City and the Broken Arrow School District for the assignment of two School Resource Officers for the term August 14, 2002 through June 30, 2003
- F. Approval of and authorization for the Mayor to execute the Broken Arrow Bus Service Agreement between the City and Gatesway Foundation, Inc., for FY 2003 and acceptance of the FY 2002 performance report
- G. Approval of and authorization for the Mayor to execute Professional Services Contracts between the City and the law firms of Scott Woods and Nichols, Wolfe, et al, for legal service for the officers in Pax v BA, et al
- H. Approval of and authorization for the Mayor to execute a Contract for Professional Services with Domestic Violence Intervention Services for a DVIS Counselor for Fiscal Year 2002-2003
- I. Acceptance of Bill Robb's letter of resignation from the Broken Arrow Public Golf Authority, effective July 1, 2002
- J. Approval of request for transfer in Program Year 2001 CDBG personnel funds to operating funds for the Margaret Hudson Program
- K. Approval of recommended social services applications for Program Year 2002 CDBG funding: Indian Springs Outreach, Broken Arrow Seniors, Margaret Hudson Program, Family & Children's Services, Indian Springs & Rhoades Elementary Before/After School Tutoring, Broken Arrow Meals on Wheels, Arrow Springs Elementary After School Tutoring, Treetops Outreach
- L. Acceptance of Sewer Line Easement from Paul J. and Debrah J. Schwartz (S20 T18N R14E) (Project: Cedar Ridge East)
- M. Acceptance of Temporary Construction Easement from Southpark Assembly of God, Inc. (S34 T18N R14E) (Project: Elm Place Widening, Florence to Tucson)
- N. Acceptance of Drainage Easement from Roland Investments, Ltd. (S2 T18N R14E) (Project: Stonewood Hills)
- O. Approval of Claims List

Motion by Petrik, second by Carter to approve the Claims List Items A-O.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

13. There were no Items Removed from Consent Agenda.

14. Under Remarks and Inquiries by Governing Body Members, Councilman McCaleb stated the time is nearing for a new Youth City Council and he would like to have 5 Seniors and 5 Juniors appointed, with the Juniors serving as the Youth City Council the following year.

Councilman McCaleb also stated he has received many complaints and many comments on the Elm Place widening and asked why there is an end of work zone sign between Washington and New Orleans. City Manager Michael Kadlecik stated he would look at it. He also stated work crews have not been on Elm Place south of Washington Street because the engineering plans needed correction and work on that section should start next week.

Mayor Reynolds stated we may need an overview and re-write of ordinances given the number of variances given by the City Council over the past several months. He asked for Council's thoughts and inclusion of staff if there is a special meeting.

Motion by Petrik, second by Carter to recess to Broken Arrow Municipal Authority before returning for Executive Session.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

Mayor Reynolds reconvened the regular session at 9:00 PM.

Motion by Petrik, second by Carter to have a short recess before going into Executive Session.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

Mayor Reynolds reconvened the regular session at 9:22 PM.

Motion by Petrik, second by Carter to proceed into Executive Session.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

15. Executive Session for the purpose of confidential communications between the City Council and its attorney concerning a possible settlement in the litigation of BA v. Wilson, all under 25 O.S. § 307B4.

Mayor Reynolds reconvened the regular meeting at 9:35 PM.

Motion by Petrik, second by Carter to settle as discussed in the matter of BA v. Wilson.

Aye: McCaleb, Carter, Petrik, Reynolds

Nay: None

Motion carried.

16. Motion by Petrik, second by Carter to adjourn.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

The meeting was adjourned.

**BROKEN ARROW MUNICIPAL AUTHORITY MEETING MINUTES
JULY 15, 2002**

1. The Broken Arrow Municipal Authority met in regular session in the City Hall Council Chambers on Monday, July 15, 2002, after the Broken Arrow City Council meeting, which began at 7:30 p.m. Chairman James C. Reynolds called the meeting to order. Authority members present were as follows:

Present: Mayor James C. Reynolds
Vice-Mayor Tony Petrik
Councilman Richard Carter
Councilman Craig Thurmond
Councilman Wade McCaleb

Staff Present: Michael D. Kadlecik, City Manager
Justin Cook, Director of Engineering
Farhad Daroga, City Planner
Scott Esmond, Parks & Recreation Director
Jay Heinrichs, Controller
Carolyn Kusler, Police Chief
Ron Osborn, Fire Chief
Brenda Ray, Administrative Services Director/City Clerk
Allen Stanton, Chief Building Inspector
Michael Vanderburg, City Attorney
Dave Wooden, Public Works Director

3. The Authority considered approval of minutes of regular meeting of July 1, 2002.

Motion by Carter, second by McCaleb to approve the minutes of July 1, 2002.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

4. The Authority considered approval of payroll of July 19, 2002.

Motion by Carter, second by McCaleb to approve payroll of July 19, 2002.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

5. The Authority considered authorization for the Chairman to execute Financial Plan Adjustment No. 2 for Fiscal Year 2001-2002.

Motion by Thurmond, second by McCaleb to approve the Financial Plan Adjustment #2 for Fiscal Year 2001-2002 as shown on Exhibit A and authorize the Chairman to execute the same.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

6. The Authority considered authorization for the Chairman to execute a contract with Wagoner County Rural Water Sewer Gas and Solid Waster District No. 4, for use of sanitary sewer transportation and treatment services for a ten-year term. City Manager Michael Kadlecik presented the item.

Motion by Petrik, second by Carter to approve the contract and authorize the Chairman to execute the same.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

7. The Authority considered approval of claims.

Motion by Petrik, second by Carter to approve the claims.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

8. There were no Remarks and Inquiries by Governing Body Members.

9. Motion by Petrik, second by Carter to adjourn.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

The meeting was adjourned.